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10/589,404	08/11/2006	Jun Kawakubo	96790P552	8228

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EXAMINER
SCHATZ, CHRISTOPHER T

ART UNIT	PAPER NUMBER
1791	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/589,404	KAWAKUBO ET AL.	
	Examiner	Art Unit	
	CHRISTOPHER SCHATZ	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-6 and 8-11* is/are pending in the application.

4a) Of the above claim(s) *9 and 11* is/are withdrawn from consideration.

5)☒ Claim(s) *8* is/are allowed.

6)☒ Claim(s) *1,4-6 and 10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/25/09; 3/3/10*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

FINAL REJECTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: The claim should end with a period instead of a comma. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nikon in view of Arai, Toshiya, and further in view of Belly et al. (20030214058).

Nikon discloses a device comprising: a loading table (centering device) which is capable of receiving an optical lens with a concave surface thereof facing up; a centering device capable of causing a geometric center of the optical lens to coincide with a center of said loading table; and a moving device which moves the optical lens to a block position (see section 0002-0008 of attached machine translation). Although it is not clear if Nikon discloses a lens holding tool, the purpose of the centering device is to center a lens to be attached to a holding tool for the purpose of machining a non-attached surface of said lens, and it would have been obvious to one of ordinary skill in the art modify Nikon with a holding tool which is capable of having a lens bonded thereto. Such a tool in conjunction with a centering device is known in the art as

disclosed by Arai (figure 13, discussion of figure 13, column 10, lines 7-59). Nikon further discloses that said centering device comprises a clamp base 11 which surrounds said loading table, a rotary base which is rotatably built into said clamp base, a driving device which pivots said rotary base, a plurality of stationary shafts 23 which project on said clamp base, a plurality of clamp members 21 which are pivotally supported by said stationary shafts, respectively, a plurality of moving shafts 25 which project on said rotary base and extend through respective elongated holes 21a in said clamp members and pivot said clamp members respectively toward said loading table during centering of the optical lens (see figures 4 and 5 and above cited text).

It is not clear if Nikon discloses a dripping device for dripping a bonding agent on a concave surface of an optical lens. However, Toshiya discloses an apparatus capable of attaching a lens to a holding tool, said apparatus further comprising a dripping device 40, 40a for dripping a bonding agent onto a surface (figures 1 and 3; section 0046 of attached machine translation). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the apparatus of Nikon as modified by Arai such that said apparatus further comprises a dripping device as taught by Toshiya as doing such enables the apparatus to better adhere a lens to a holding tool.

It is not clear if Nikon, Arai and Toshiya disclose positioning pins as claimed by the applicant. Belly discloses positioning pins (pegs section 0129) with a locking portion 33. The pegs enable the apparatus to properly center lenses of varying thicknesses and curvatures. At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the apparatus of Nikon such that said apparatus

comprises pins as part of the centering device in order to achieve the advantages discussed above. In the apparatus of Nikon as modified by Belly, the pins are capable of moving in the radial and circumferential direction.

As to claim 4, Arai discloses a loading table swingably supported by support means and a moving device capable of moving a table into a block position (figure 13 above cited text). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the apparatus of Nikon such that the table is swingably supported by support means and said table can be moved by a moving device upward towards the holding tool as taught by Arai. Such a modification enables the apparatus to provide better control during the attaching of a lens to a holding tool.

As to claim 5, Toshiya discloses a gap setting device capable of moving a lens holding tool and an optical lens relatively toward each other to set a predetermined gap such a bonding agent is spread (section 0023 – process of measuring a height position). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the apparatus of Nikon as modified by Arai such that said apparatus comprises a gap setting device as taught by Toshiya as doing such enables the apparatus to form a better bond between the holding tool and a lens.

As to claim 6, Toshiya discloses an apparatus capable of calculating a dripping amount of bonding agent to be dripped by said dripping device onto the optical lens, said amount calculated from at least one of a thickness of a peripheral edge portion of the bonding agent after spreading, a diameter of said lens holding tool, a radius of

curvature of a blocking surface, a diameter of the optical lens, a radius of curvature of the concave surface, and a gap between said lens holding tool and the optical lens (sections 56 and 77-82).

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nikon, Arai, Toshiya and Belly as applied to claim 1 above, and further in view of Tsujino et al. (US 5362428).

It is not clear if Toshiya discloses a dripping device that comprises a gear pump and drive for driving said gear pump intermittently. Tsujino discloses an apparatus for applying a resin to a curved glass comprising a gear pump for controlling the amount of resin wherein said gear pump is capable of being driven intermittently (column 8, lines 35-56 and column 9, lines 34-61). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the apparatus of Nikon, Arai, Toshiya and Belly such that the dripping device comprises a gear pump as taught by Tsujino as doing such enables the apparatus to control the amount of bonding agent dispensed in a highly effective manner (see above cited text of Tsujino).

Allowable Subject Matter

Claim 8 is allowed. The prior art does not disclose device capable of calculating a gap or an amount of adhesive using the equations claimed by the applicant.

Response to Arguments

5. Applicant's arguments filed 02/10/2010 have been fully considered but they are not persuasive.

Applicant's argument stating that Nikon uses levels to the press the lens amounts to an individual attack on Nikon with out considering Nikon in combination with the other references. Applicant is reminded that one cannot show nonobviousness by attacking references individually and in a vacuum of each other as a rejection under 35 U.S.C. 103 is a consideration relating to the combined teachings of the references (and not each reference in a vacuum of the others). With respect to Toshiya, the applicant's arguments are referring to portions of Toshiya that are not germane to the merits of the current rejection. Toshiya is presented to show why it would have been obvious to one of ordinary skill in the art to modify the apparatus of Nikon such that a dripping device is used to drip a bonding agent on a surface. As to Aria, the applicant is reminded that Aria is used only to show why it would have been obvious to use a loading table swingably supported by support means and a moving table. The applicant's arguments directed at Aria again amount to individual attacks on Aria without considering Aria in combination with the other references. See above.

The disclosure by Berry that the lens has its face 3 opposite its finished face 2 pressed by holding arm 36 *does not negate* the advantage of adding pins as disclosed by Berry to the apparatus of Nikon.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHATZ whose telephone number is (571)272-6038. The examiner can normally be reached on Monday through Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTOPHER SCHATZ/
Examiner, Art Unit 1791

/Richard Crispino/
Supervisory Patent Examiner, Art Unit 1791